

CANVASSING KANSAS

An Update on Election News from Kansas Secretary of State Ron Thornburgh

June 2004

CANVASSING KANSAS

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Open Primary a Possibility in Kansas in 2004

There is a possibility that the August, 2004 primary election in Kansas will have to be conducted as an open primary, instead of a closed primary, due to a court order. In a nutshell, the court decision said that state laws cannot limit participation in a party's primary to only members of the party. Thus, each party may choose which voters are allowed to vote in its primary. The ruling does not automatically open the Kansas primaries.

Kansas has had a closed primary for many decades. A closed primary is one in which only members of a given party may receive that party's ballot and vote to nominate the party's candidates for the general election. A number of other states also have closed primaries, but some have open primaries where any registered voter may choose which party's ballot to vote in the primary. In an open primary, the ballot a voter receives is not predetermined by the party affiliation of the voter; in fact, many states with open primaries do not even keep track of party affiliation of voters. Some states have also held blanket primaries, which allow each voter to receive a single ballot with all candidates of all parties listed, allowing the voter to choose his/her favorite candidate in each race regardless of party affiliation. Blanket primaries were determined to be unconstitutional in 2000 in a case arising from California (California Democratic Party v. Jones).

The 2004 case striking down the closed primary arose in Oklahoma (Beaver et al. v. Clingman et al.). The Tenth Circuit Court ruled that a state cannot restrict the primary election to just members of the party and independent (unaffiliated) voters, but must allow the party to determine who may participate. Because primaries are nominating devices used by parties to nominate candidates for the general election, and because political parties are private associations, the state cannot regulate their activities without demonstrating a compelling public interest. According to the court, the arguments by the state of Oklahoma that the state laws determining who may vote in the closed primary served a compelling interest (political stability, preventing voter confusion, administrative burden, etc.) did not meet the requirements of a compelling interest. The state law had been challenged by the Libertarian Party.

Thus, the parties who participate in the Kansas primary may choose whether to allow members of any other party or unaffiliated voters, or any combination of them, to vote in their

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Federal Post Card Applications to be sent to soldiers

Secretary of State Ron Thornburgh partnered with Kansas Adjutant General Tod Bunting to arrange delivery of a Federal Post Card Application to soldiers deployed overseas in war zones who claim Kansas residency for voting purposes.

A packet containing an FPCA, instructions for voting in Kansas, and contact information for county election officers is being supplied to the Adjutant General's office, who will forward them to voting assistance officers in various military units.

The program was designed in consultation with federal agencies. The FPCA being distributed is the standard ballot application form prescribed by the Federal Voting Assistance Program pursuant to the requirements of the Uniformed and Overseas

Citizens Absentee Voting Act. County election officers may receive applications as a result of this effort, but the process will be the same as the federal services voting program in any other election year.

The new initiative is designed to increase voting opportunities during a presidential election year in which many military personnel are deployed overseas in Iraq, Afghanistan and other places. It is also in keeping with the Kansas Secretary of State's office new designation as the single agency responsible for dissemination of federal services information, which was required by the Help America Vote Act of 2002.

Secretary Thornburgh and General Bunting held a joint press conference on Tuesday, June 1 to announce the program.

2004 Election Plans

The 2004 Election season is officially upon us. By the time you receive this newsletter, the candidate filing deadline for non-independent candidates will have passed. As in years past, the Secretary of State's office will certify the official candidate list to each county as soon as possible. This is planned for June 24th. We understand this is later than most of you would like, but our office is required to wait 10 business days until objections are filed and heard before we can certify the official list. The unofficial list is available at www.kssos.org for use in preliminary preparations. Remember, this is the unofficial list.

We plan to work election night tabulation as we have the last several years. Our goal is to have the majority of counties use one of two methods for reporting election night results. The first method will be inputting results for contested state and national offices directly into our election database via the internet. The second method will be faxing the election results to our office for our staff to input. We will have phones available if needed, but we want each county to fax or input its own results. We will send more details in an upcoming mailing.

We are attempting to automate the July and October voter registration and party affiliation certifications for this year. We will send Excel spreadsheets to each county listing the precincts' in that particular county. The county will then input their voter registration numbers into the spreadsheet and send it back to our office electronically using the PKI certificate, as discussed at the May KCCEOA conference. Counties will have the option of still sending these certifications on paper, but we urge each county to try and submit certifications electronically this year. Our office is also working on having the official election abstracts submitted electronically. We are unsure if we will be able to have this finished in time for this year's elections.

This is a Presidential election year, as well as being an election year for one U.S. Senate seat, all U.S. Representatives, all state Senators and Representatives, five state board of education members, the majority of elected judges, all county clerks and other county officers. Good luck to those running, and have a busy and productive election season!

Voting System Security Policy Adopted

The Kansas County Clerks and Election Officials Association, during its spring statewide conference in May, adopted a voting system security policy. This policy was adopted to help Kansas election officers respond to the growing concerns over security of election systems and election machines that will be used in the upcoming election.

There are six components to the security policy. The components are: (1) access to the voting system, (2) data transmission, (3) testing of voting equipment, (4) polling place security, (5) equipment storage, and (6) the voting equipment certification process.

Each of these components requires state and local election officers to maintain vigilance and initiate security procedures into their election processes. While some of these procedures require a significant dollar investment and/or staff allocation, these procedures should be implemented as soon as practical.

If you have specific questions concerning any of these security components, please contact the elections office.

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RON THORNBURGH

Kansas Secretary of State

Dear Friends:

The Election Assistance Commission (EAC), a new bipartisan agency authorized under the Help America Vote Act (HAVA), was created to address election issues including the problems stemming from the 2000 election.

These issues include the current debate over the security and accessibility of Direct Recording Electronic (DRE) and other voting systems, polling place accessibility, and consistency of the election process. The EAC is also responsible for administering state payments and grant programs established under HAVA, and conducting a number of studies that are designed to improve the administration and fairness of elections in the future.

The EAC is comprised of two boards: the EAC Standards Board and the EAC Board of Advisors. The standards board, acting through its executive board, and the 37-member board of advisors review proposed voluntary voting system guidelines and EAC technical guidance. They play a role in recommending candidates for the EAC executive director. They also may hold hearings and take testimony related to carrying out the provisions of the Help America Vote Act.

The EAC Standards Board is comprised of 110 members drawn from 55 state and 55 local election officials. The EAC Standards Board is required to select nine of its members to serve as the executive board of the standards board. I am honored to serve with Saline County Clerk Don Merriman as the Kansas representatives to the EAC Standards Board. Together we will work to ensure that the Kansas election process continues to be the standard by which the rest of the nation is measured.

The EAC Standards Board will meet for the first time in Houston, Texas on June 28 - 29 to nominate members of the executive board and discuss issues pertaining to the election process. I am excited about the opportunity to serve and make a difference for the voters of Kansas and our great nation, by improving the quality of our election process.

Sincerely,

A handwritten signature in dark ink that reads "Ron".

RON THORNBURGH
Secretary of State

2004 Legislation

There were five elections-related bills that passed the Legislature and were signed into law by the Governor in the 2004 legislative session. Three of the five were related to the Help America Vote Act (HAVA). There were other bills that will have some effect on county election officers and county clerks, but they may affect only certain counties or specific situations not common to everyone.

No concurrent resolutions were passed by the Legislature in 2003 or 2004 that would create a statewide vote on constitutional amendments this year.

Following is a brief summary of the legislation that passed. All bills go into effect upon publication in the statute books, which is July 1, 2004.

HAVA Bills

SB 479—Help America Vote Act Implementing Legislation

This is the principal legislation to implement the requirements of HAVA in Kansas. The bill is similar to 2003 House Bill 2288, which was vetoed by the Governor because of the voter identification provisions. The Secretary of State and the Governor negotiated compromise language on voter identification which is contained in SB 479. Three other provisions were added to SB 479 that had not been included in HB 2288: the administrative complaint procedure, training requirements for county election officers and poll workers, and the designation of a single agency responsible for federal services voting.

SB 479 contains eight major concepts, as listed below.

1. Oaths of voters

The language of the oaths of regular voters, provisional voters, and provisional voters voting in partisan primary elections was revised to conform to the requirements of HAVA.

2. Provisional ballots cast after regular polling hours

All ballots cast after regular polling hours due to a court order or other order must be provisional ballots and must be kept separate from other provisional ballots to allow separate consideration in the event of a second court order reversing the first order.

3. Voter ID requirements for first-time voters in the county

All first-time voters in the county must provide identification when registering to vote, sometime after registering, when voting, or after having cast a provisional ballot. “First-time voter” is defined in Kansas law as a registered voter who has not previously voted in any election in the county in which the voter desires to vote. It includes a person who was previously registered, and may have voted, but whose name was removed from the registration list (due to felony conviction, moving out of county or state, or court order) and has re-registered.

The definition of who must provide identification is different in Kansas than the minimum requirements of HAVA. HAVA requires identification of all first-time voters *in the state* who *registered by mail*. In Kansas, the definition is applied to vot-

ers in the county regardless of the method, time, or circumstances of registration.

The identification requirements apply to advance voters and permanent advance voters.

If a first-time voter fails or refuses to provide identification, the voter may cast a provisional ballot, but the ballot is not counted unless the voter provides identification to the county election officer before the county canvass.

4. Federal services voting

The Secretary of State is designated as the agency responsible for providing information about federal services voting and for accepting ballot applications. Most applications will still be submitted directly to the county election office, and ballots will be distributed by and returned to the county election office.

Ballot applications filed by federal services voters are valid from the date of the application through the second succeeding federal general election.

5. Voter registration application form

The voter registration application form is revised to include:

- full driver’s license number or last 4 digits of social security number
- check box for applicant to indicate U.S. citizenship
- check box for applicant to indicate whether he/she is 18 years old
- instruction to applicant to not complete the form if answer to citizenship or age question is “no”
- statement to applicant that he/she may be required to show identification when voting

The county election officer is required to send notices of incompleteness to applicants who fail to answer the citizenship question, instructing them how and by what date to complete registration requirements to be eligible to vote in the next election.

6. Polling place postings

Each polling place is required to have posted a sample ballot, notification of the date of the election, and the polling place hours.

These postings are required in addition to those already required: voter instructions and the voter’s rights and responsibilities posters (revised per HAVA).

Some counties are also required to provide information in Spanish (Finney, Ford, Grant, Haskell, Kearny, Seward). Other counties may choose to do so.

7. Training

County election officers are required to receive instruction on election administration as determined by the Secretary of State. County election officers are required to provide instruction to election board judges and clerks before each election.

8. Administrative complaint procedure

A formal, uniform administrative procedure is established which allows a person to file a complaint with the Secretary of State alleging violation of HAVA requirements. The person is

2004 Legislation

entitled to a formal hearing if requested. The filing of a complaint may result in immediate communication with local officials to effect an appropriate remedy, or it may take up to 90 days to resolve.

SB 166—Voting Procedures for Individuals with Disabilities and Clarification of HAVA Voter ID Requirements

Senate Bill 166 is the result of a number of amendments that were proposed to SB 479 by groups representing the disabilities community. Instead of amending SB 479, the proposals were grouped into SB 166.

The provisions of SB 166 are grouped here into five main concepts.

1. Clarification of voter identification requirements

Questions had been raised whether the voter identification requirements of SB 479 were clear that no first-time voter would have to show identification more than once. Consequently, clarifying language was added in several places in election laws to specifically state that once a first-time voter had met the identification requirements, that voter would not be required to do so again.

2. Updated language regarding voters with disabilities

The bill replaces outdated language in several areas of election law with more modern language. In reference to advance voting by sick and disabled voters, the words “sick, physically disabled or illiterate” are replaced by the words “temporary illness or disability or who is not proficient in reading the English language.”

In reference to the addresses where county election officers may mail advance ballots, the bill replaces the words “a sick, physically disabled or illiterate voter” with “a voter who has a temporary illness or disability or who is not proficient in reading the English language.”

In reference to election board workers providing signatures on poll books for voters with disabilities, the words “physical disability, visual handicap or lack of proficiency in reading the English language” are replaced by “temporary illness or disability, or lack of proficiency in reading the English language.”

3. Alternative forms of signatures for voters with disabilities

This legislation allows a person with a disability who is completing a voter registration application to use an alternative form of signature or to have another person sign for them. The section specifies: “A signature may be made by mark, initials, typewriter, print, stamp, symbol or any other manner if by placing the signature on the document the person intends the signature to be binding. A signature may be made by another person at the voter’s direction if the signature reflects such voter’s intention.”

Alternative forms of signatures may be used at any time in the election process where a signature is required: registration, applying for an advance ballot, or voting at the polling place on Election Day.

4. Accessibility of polling places

The bill specifically applies the requirements of the Americans with Disabilities Act to sites used as polling places on Election Day. The section specifies: “On any day upon which an election is held, all polling places shall be accessible by either permanent or temporary means to any voter having a disability.”

Language in the old law is deleted, including specifics about the physical requirements for accessibility and language allowing a non-ADA compliant polling place to be used if that fact is reported to the county commissioners.

5. Voting options for voters with disabilities

A voter with a disability may have a ballot delivered to the entrance of the polling place or to a point outside the polling place as long as it is not more than 250 feet from the entrance of the polling place. The ballot may be delivered as a paper advance ballot or on a portable DRE (direct recording electronic) voting device.

House Substitute for SB 536—Proviso on Polling Places Closings

Another piece of legislation that has implications for HAVA and county election officers is a brief proviso added to SB 536, which is this year’s version of the annual omnibus appropriations bill.

SB 536 contains the state/county matching funds for HAVA, but it also includes a one-year proviso requiring the SOS to report to the legislature on July 15, 2004 and October 15, 2004 (before the primary and general elections) a list of polling places that were closed and the reasons for the closings. This will require the SOS to collect information from each county election officer to use in making the reports.

Other (Non-HAVA) Bills

Senate Bill 502—Proxy Voting in Political Party District Conventions

Note: This bill was amended onto SB 166 (see above), not passed as a separate bill.

The bill deals with proxy voting at party district conventions. When a party convention is held to select a person to fill a vacancy in elective office or a vacancy in a party candidacy, any precinct committeeman or committeewoman who is otherwise eligible to vote in the convention may designate a proxy to cast their vote.

House Bill 2606—Electronic Transmittal of Election Abstracts

This bill authorizes county election officers to submit their official election abstracts for national and state elections to the Secretary of State by secure electronic transmission. In the past, abstracts were certified, signed, and sealed by each CEO and submitted by registered mail, which still may be done under the new law. The Secretary of State intends to begin collecting abstracts electronically using the public key infra-

Please see **Legislation**, page 8

1st Annual CEO Training Devoted to HAVA

One of the major themes of the Help America Vote Act (HAVA) is promoting consistency in election procedures across the state. There are a number of ways to promote consistency, and one is through training. The state legislation implementing HAVA, Senate Bill 479, requires for the first time the establishment of training programs for county election officers and precinct election board workers. Previously, the law made election board worker training by county election officers (CEOs) optional, and there were no statutory provisions for CEO training programs. Under the new law, CEOs must provide some sort of instruction to their board workers, and every county election office must have at least one person attend annual training programs designed and sponsored by the Secretary of State's office.

The 2004 spring conference of the KCCEOA was the forum for the first annual CEO training program under the new law. Nearly 200 CEOs and staff members attended, and all but four counties had at least one person there. In order to give everyone adequate opportunities to attend this required training, a makeup session was held in Salina on Friday, May 21, with nearly 50 attendees present.

The program included eight hours of training and was developed jointly by the SOS office and a work group of CEOs appointed by Secretary of State Thornburgh. The work group met several times in person and by conference call to discuss the curriculum that needed to be included in the training. It was decided that the 2004 session would focus mostly on changes brought about by HAVA, with an emphasis on exactly what CEOs and board workers need for the 2004 elections in order to comply with the new laws.

Members of the work group were: Anthony Fadale, State ADA Coordinator; Harvey Foyle, ESU Professor, Instructional Design & Technology Dept.; Diane Glass, Kansas Board of Regents, Director of Adult Education; Keith Lawing, WSU, Director of Education for Kansas County Clerks and Election Officials Association; Stacia Long, Seward County Clerk; Lori Martin, Chautauqua County Clerk; Susan Meng, McPherson County Clerk; Terry Miller, Cheyenne County Clerk; Linda Scheer, Leavenworth County Clerk; Kim Strunk, SRS, Council on Developmental Disabilities; Connie Schmidt, Johnson County Election Commissioner; Marilyn Chapman, Sedgwick County Election Commissioner (Marilyn was replaced on the work group in November, 2003 by Bill Gale, her successor as election commissioner).

SOS staff members involved in planning the training program were: Brad Bryant, Election Director; Brian Henson, HAVA Coordinator; Bryan Caskey, Administrative Assistant; Melissa Wangemann, Legal Counsel.

The training program at KCCEOA consisted of eight full hours of training, spanning one and one-half days on May 12 and 13. It was organized into three workshops:

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| Workshop 1 | HAVA Overview and Impact on CEOs
Presented by Sec. Thornburgh and staff |
| Workshop 2 | Voting Procedures to Comply with HAVA
Presented by SOS staff and disabilities experts |
| Workshop 3 | Preparing for an Election to Comply with HAVA
Presented by teams of CEOs |

Workshop 1 included discussions of the origins of HAVA, the major themes of HAVA, funding, federal services voting under HAVA, the new administrative complaint procedure, and a description of the new required training programs.

Workshop 2 was divided into two parts. Part one was a 90-minute discussion of the accessibility requirements of HAVA. Presenters were Anthony Fadale, state ADA coordinator, and Martha Gabehart, executive director of the Kansas Commission on Disability Concerns. Fadale and Gabehart provided ideas on improving polling place accessibility, awareness and sensitivity training, and how to train election board workers on accessibility issues.

Part two of Workshop 2 consisted of a discussion of the differences voters and poll workers will encounter as a result of HAVA. Presenters were SOS staff members. It included the topic of the adoption of uniform standards and how the Kansas Election Standards form the basis of standardized procedures, voter registration and voter identification under HAVA, and changes at the polling place.

Workshop 3 consisted of four sessions, each conducted by a team of CEOs. Session 1 included recruitment, training and retention of election board workers, presented by Johnson County Election Commissioner Connie Schmidt and Lyon County Clerk Karen Hartenbower. Session 2 was polling place management, presented by Johnson County Election Commissioner Connie Schmidt and Riley County Clerk Rich Vargo. Session 3 was processing voters, presented by Geary County Clerk Rebecca Bossemeyer and McPherson County Clerk Susan Meng. Session 4 was voter education, presented by Miami County Clerk Kathy Peckman and Saline County Clerk Don Merriman.

One of the highlights of the training program was a speech by Paul DeGregorio, one of the four commissioners on the federal Election Assistance Commission. The EAC is the new agency created by HAVA to coordinate nationwide efforts in HAVA implementation and overall election administration, establish standards for voting equipment and procedures, and provide assistance to states and localities. EAC members were appointed by President Bush and confirmed by the U.S. Senate. DeGregorio was a county election officer in St. Louis, Missouri, and has extensive international experience in observing, overseeing and administering elections in several countries.

Other highlights included a Wednesday lunch sponsored by Secretary of State Thornburgh, a list of Top Ten Reasons to Implement HAVA, presented by Rebecca Bossemeyer and other CEOs, and a humorous skit about election board workers featuring Linda, Linda, Linda and Libby (that's Linda Scheer, Linda Schreppel, Linda McDowell and Libby Ensley). At the end of the training session each attendee, having been certified as trained for HAVA, received a certificate from Secretary Thornburgh and a pen bearing the inscription "HAVA Certified."

Training materials provided to each attendee were organized into a notebook containing a summary of the training curriculum, a CEO Training Manual, an Election Board Worker Manual, a Policy Statement on Voter Registration and Voter Identification, and a Policy Statement on Voting System Security. The CEO Manual draws heavily on the Kansas Election Standards and was intended for use as a textbook for CEOs to use in conducting elections, including the changes caused by HAVA. The Board Worker Manual was developed for CEOs to use in designing their poll workers training programs. It includes general information about what poll workers need to know to conduct HAVA-compliant elections in their respective precincts. CEOs may base their training programs on the manual or adapt its contents as needed for incorporation into their programs.

The Wichita training session was videotaped. One copy of the tape will be provided to each county upon request to be used in training staff and poll workers as needed or for use as a refresher. Additional copies will be sold at cost.

The curriculum for future training programs is not developed, but in 2005 it will cover at least the following items:

- second chance voting, to be implemented in the 2006 elections
- electronic voting equipment in each polling place, to be deployed for the 2006 elections
- training on the new centralized voter registration (CVR) system being developed to meet HAVA requirements

Secretary of State Ron Thornburgh and his staff wish to thank the members of the work group for their efforts in developing the training program. This state-sponsored training program for CEOs, a new development in Kansas, has moved us a long way toward full implementation of HAVA and has promoted consistency in election procedures.

HAVA Prominent at KCCEOA Conference

The Kansas County Clerks and Election Officials Association spring statewide conference in 2004 was largely devoted to HAVA. In fact, the theme of the conference was appropriately called "Branded by HAVA." The conference, held at the Marriott Hotel in Wichita, began with an evening reception on Tuesday, May 11 and concluded at 11:30 am on Friday, May 14.

Most of Wednesday afternoon and all of Thursday morning and afternoon consisted of HAVA training, in keeping with the new legislation requiring county election officers to receive annual training on election administration. The HAVA training program was designed by the SOS office with assistance from a work group of CEOs and was conducted by SOS staff, CEO presenters, and experts on disability issues. (See article on page 6 of this newsletter.)

The SOS office made its annual presentation on election issues in a one-hour session right after lunch on Wednesday. Secretary of State Ron Thornburgh made opening remarks and explained his office's plans for an expanded voter outreach program in 2004, including a substantial media campaign. Brad Bryant, election director, summarized 2004 elections legislation and distributed an implementation guide; Janet Chubb, assistant Secretary of State, presented information on public key infrastructure (PKI), which will be used beginning in 2004 as the basis for secure electronic reporting by CEOs; Bryan Caskey, administrative assistant for elections, and Brian Henson, HAVA

coordinator, explained the voting system security policy recently developed and recommended for adoption by the KCCEOA.

Other presentations at the KCCEOA conference included an update by the Property Valuation Division of the Department of Revenue, a program on managing during disasters, an update on ethics issues by Carol Williams of the Governmental Ethics Commission, a records management discussion, and a legislative update by Randall Allen of the Kansas Association of Counties.

Wednesday evening's activities included a barbecue dinner at the Prairie Rose, a ranch-style country setting complete with music and humor by Cowboy Jack and the Prairie Rose Wranglers.

The Thursday night banquet carried the theme "Branded by HAVA" and featured a buffet dinner, dancing and karaoke.

The conference was planned and organized by the executive committee of the KCCEOA, led by KCCEOA president Linda McDowell of Phillips County. Keith Lawing of the Hugo Wall School at Wichita State University assisted with many of the planning details. The office of the Secretary of State recognizes the tremendous amount of work that goes into planning for a statewide conference and appreciates the KCCEOA's willingness to devote a significant portion of the agenda to HAVA.

Voter Registration Cancellations by E-mail

Election administrators in recent years have gradually become more comfortable with, and even reliant upon, electronic communications of various types. It causes occasional questions to arise as to the legality and dependability of electronic transmissions for official purposes. In the case of election administrators, electronic transfer of data can affect people's constitutional right to vote and the accurate and reliable tabulation and reporting of official election results.

One recent question involves whether voter registration cancellations should be sent and accepted among county election offices via e-mail. A review of applicable statutes and procedures leads to the conclusion that electronic voter registration cancellations are acceptable.

K.S.A. 25-2309(b)(15) states in part: "If the application discloses any previous registration in any other county or state...the county election officer shall upon the registration of the applicant, give notice to the election official of the place of former registration, notifying such official of applicant's present residence and registration, and authorizing cancellation of such former registration."

Further, K.S.A. 25-2316c(b) states: "Whenever the county election officer receives from any other election officer a notice of registration of a voter in a different place than that shown in the records of the county election officer, such officer shall remove the name of such voter from the registration book and party affiliation list."

State and county election offices routinely trade information

every day in an effort to keep registration lists accurate. The statutes cited above are the legal basis for this constant exchange of information, and while they require cancellation notices to be sent, they do not prohibit electronic transmission of notices. As usual, the CEO receiving the notice must ensure that enough information is included in the notice to identify the voter with certainty, otherwise the voter's registration should not be canceled.

If the CEO is certain of the voter's identity and certain that it's an election officer who sent the notice, it's permissible to cancel the registration on receipt of such a notice.

This would hold true with cancellation notices received from election officers in other states, although everyone should be careful in e-mailing notices to other states because their laws may not authorize them to accept electronic notices. Kansas laws do not apply outside the state boundaries.

This is consistent with the program initiated by the Division of Motor Vehicles two years ago to begin sending CEOs changes of address by email. There are still paper changes of address sent, but the ones sent by email are those received when driver's license holders change their addresses on DMV's Web site.

In general, Kansas laws allow electronic notices and transmission of information unless some characteristic of the notice prohibits it, such as if a written signature, attestation or notarization is required. For this reason, electronic filing or transmission of voter registration applications, petitions, or candidate declarations of intention are not acceptable under current law.

Primary

From page 1

respective primary elections. Secretary of State Ron Thornburgh sent a letter in May, 2004 to the state chairs of the Democratic and Republican parties asking them to notify him by June 10 whether they wished to allow other voters to vote in their primaries. Several outcomes are possible: neither party will admit other voters, which would maintain the current closed primary system; both parties could admit other voters, which would create an open primary; the parties could respond differently, so a different configuration of voters could participate in each party's primary.

This court ruling has obvious implications for election officers. The number of ballots printed and supplied to each polling place in the August primary election will be increased if either or both parties exercise their option to include other voters. Kansas law already allows unaffiliated voters to affiliate with either party on primary election day and vote that party's ballot, but the number of unaffiliated voters who vote in the primary now may be increased because they would not be required to affiliate with the party before voting.

Another major implication for the administration of the primary election under the new rules is training of election board workers. Many experienced board workers are familiar with the

existing rules for the closed primary, and changing the rules two months before the primary will necessitate careful retraining and reinforcement of the new rules.

The Secretary of State's office will notify county election officers as more information becomes available.

Legislation

From page 5

structure (PKI) secure electronic system.

The bill was amended to also include a provision allowing for electronic notarizations. This was originally proposed by the Secretary of State in another bill which did not pass as separate legislation, so it was amended onto HB 2606.

House Bill 2641—Drainage District Elections

Proposed by the KCCEOA, this bill clarifies who may vote in drainage district elections.

House Bill 2418—Extending Judicial Tenure

This bill extends the retirement age for all state judges except Supreme Court justices. It includes district court judges, district magistrate judges, and court of appeals judges.